

JAN 15 2013

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NICKOLAUS LAIN BROWN,)	CASE NO. 7:12CV00185
)	
Petitioner,)	
)	FINAL ORDER
v.)	
)	
DIRECTOR, DEPARTMENT)	
OF CORRECTIONS,)	By: James C. Turk
)	Senior United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the motion to dismiss (ECF No. 12) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, as amended, is **DISMISSED**; petitioner's separate "Motion for Belated Appeal" (ECF No. 22) is **DENIED**; and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 15th day of January, 2013.

[Signature]

Senior United States District Judge